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MEMO ENDORSED

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 1/30/2018

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January 30, 2018

Via ECF

The Honorable Valerie E. Caproni
United States Courthouse
Southern District of New York
40 Foley Square - Courtroom 443
New York, NY 10007

Re: *Daily News Charities Inc. v. USA Boxing, Metropolitan Association,*
No. 17-cv-08733-VEC

Dear Judge Caproni:

We write to bring to the court's attention that unfortunately, once again, Metro is not in compliance with the Court's order in this matter. As Your Honor will recall, the parties appeared on Friday, January 26, 2018 on plaintiff's motion for preliminary injunction and defendant did not contest the issuance of the preliminary injunction. The preliminary injunction that was issued prohibits defendant from, *inter alia*, "Using the GOLDEN GLOVES mark or any confusingly similar mark in connection with an amateur boxing event in the New York City metropolitan area, including but not limited to in any way suggesting a relationship with, sponsorship or endorsement by DNC."

Plaintiff has learned that on January 27, 2018 – the day after the preliminary injunction was entered – Dr. Osric King, who is listed at defendant's website as a member of the Board of Directors with the title "Chief of Physicians," (see <http://www.usaboxingmetro.com/board-of-directors.html>), sent an email to several physicians who have previously given physical examinations of boxers participating in the GOLDEN GLOVES tournament. In the email, a copy of which is annexed), Dr. King stated: "The Daily News will not be involved in this year's Golden Gloves and there will be no physicals examination days (see prior email)." As with prior communications made by defendant, this email states that there is to be a GOLDEN GLOVES tournament without plaintiff, which is not the case. This use of "Golden Gloves" in reference to the tournament being run by defendant is in direct contravention of the preliminary injunction.



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This is now the third violation by defendant that has come to plaintiff's attention. While the first two were in public forums, this one was forwarded to plaintiff by a recipient who was confused and plaintiff has no way of knowing what other communications are being sent. Plaintiff is concerned that this email is part of a pattern of behavior that may be continuing. Plaintiff therefore respectfully requests that defendant be held to be in contempt for violating the Court's preliminary injunction and that monetary sanctions be levied for this violation and for any future violations of the preliminary injunction. Plaintiff has notified defendant of the violation and the request contained herein.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark Lerner', written in a cursive style.

Mark Lerner

Enclosure

cc: Johnnie Woluewich (*via email*)

Defendant must show cause why it should not be sanctioned for failure to comply with the Court's preliminary injunction by February 2, 2018. Defendant's response must explain what steps it has taken to ensure that Metro and its volunteers comply with the preliminary injunction and what Metro has told its volunteers (and any other persons associated with Metro or involved in any way with Metro's new amateur boxing tournament) about the Court's preliminary injunction.

Defendant is reminded that all communications with the Court must be filed on ECF unless otherwise ordered by the Court. Emails from counsel will not be considered.

SO ORDERED.

A handwritten signature in blue ink, appearing to read 'Valerie Caproni', written in a cursive style.

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE

1/30/2018

From: Rufus Sadler <rrules06@aol.com>
Date: January 29, 2018 at 10:57:14 EST
To: Brian Adams <badams@nydailynews.com>
Subject: Fwd: Head Count

Sent from my Verizon 4G LTE Droid

----- Forwarded message -----

From: "King, Osric MD" <KingO@HSS.EDU>

Date: Jan 27, 2018 3:34 PM

Subject: Head Count

To: punder@optonline.net, "davecancel99@yahoo.com "
<davecancel99@yahoo.com>, "richard.chang@mountsinai.org "
<richard.chang@mountsinai.org>, "robertsrules06@gmail.com "
<robertsrules06@gmail.com>, rrules06@aol.com, rrules06@aol.com, baccracr@aol.com, [bobopol
o2@aol.com](mailto:bobopol
o2@aol.com), "rchangdownstate@gmail.com "
<rchangdownstate@gmail.com>, "sherry.wulkan7@gmail.com "

<sherry.wulkan7@gmail.com>,<boxndoc@aol.com>,<jefkap@aol.com>,<dr.massac2@gmail.com>,"jrd
lvn@gmail.com " <jrdlvn@gmail.com>,"Joseph Herrera, MD "
<joseph.herrera@mountsinai.org>,"Thomas O'Brien,MD" <baccracr@aol.com>,"Robert Polofsky
<bobopolo2@aol.com>,"Teresa.Bianchi@nyumc.org "
<Teresa.Bianchi@nyumc.org>,"Teresa'@HSS.EDU,"King@HSS.EDU,"Osric <MD@HSS.EDU>
Cc:

Colleagues,

The Daily News will not be involved in this year's Golden Gloves and there will be no physicals examination days(see prior email). We are preceding with a short medical seminar/introduction to amateur ringside mother medicine on February 3rd. If you have covered boxing events in the past and familiar with USA Boxing medical guidelines, please let me know. It may not be necessary for you to attend. The seminar will be on February 3rd, 10am to 2 pm (Location to be finalized this week). Please RSVP ASAP and indicate whether or not you will be attending the seminar and/or planning to cover one of the shows, so we can get a head count. Please indicate if you are responding for other individuals besides yourself. The show schedule will be finalized in the next week. If you have not done so, it's required that you are registered with USA Boxing, in order to participate.

OS King

OS King

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***** (NJ)